

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

#### **Proposing rule making related to driver's licenses for active duty military service members and veterans and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 605, "License Issuance," Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.182 and 321.196.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321.191 as amended by 2022 Iowa Acts, Senate File 2383, section 25.

#### *Purpose and Summary*

This proposed rule making conforms Chapter 605 with 2022 Iowa Acts, Senate File 2383, section 25, which waives the fee for a chauffeur driver's license (Class D) or a commercial driver's license (Class A, B or C) for an active duty military service member or a veteran who was issued an honorable discharge or general discharge (under honorable conditions). The legislation also waives the fee for an operator driver's license (Class C noncommercial) or a motorcycle driver's license (Class M or endorsement L) for veterans with a service-connected disability rating of 100 percent. An eligible applicant may qualify for more than one fee waiver.

The proposed amendments describe the type of proof an eligible veteran or military service member must provide to the Department to qualify for the applicable driver's license fee waiver. The proposed amendments also provide that only an active duty military service member must provide proof of the service member's eligible status at each issuance or renewal transaction because active duty status can change more frequently than military discharge status or a service-connected disability rating of 100 percent. Because proof of active duty status will be required at each license issuance or renewal transaction, an active duty military service member will not be able to renew a driver's license electronically if the service member wants to receive the fee waiver because the electronic license renewal system cannot verify active duty status in real time.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Government and Community Relations  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on September 1, 2022, via conference call at 10:30 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 30, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend rule 761—605.10(321) as follows:

**761—605.10(321) Fees for driver's licenses.** Fees for driver's licenses are specified in Iowa Code section 321.191. A license fee may be paid by cash, check, credit card, debit card or money order.

**605.10(1)** and **605.10(2)** No change.

**605.10(3)** An applicant who is on federal active duty or state active duty, a veteran with a permanent service-connected disability rating of 100 percent, or a veteran who was issued an honorable discharge or general discharge under honorable conditions is eligible for a waiver of the fees for a driver's license as provided in Iowa Code section 321.191 as amended by 2022 Iowa Acts, Senate File 2383, section 25. An eligible applicant may qualify for more than one fee waiver.

a. An applicant must provide proof of eligibility for the fee waiver to the department in the following ways as applicable to the applicant's active duty, veteran or disability status:

(1) An active duty service member must present an unexpired Armed Forces of the United States Geneva Conventions identification card, also known as a common access card (CAC), issued by the U.S. Department of Defense under 32 CFR Part 161. A federal or state military member who is a reservist may instead present an unexpired Uniformed Services identification card (USID) issued by the U.S. Department of Defense under 32 CFR Part 161 indicating a reserve affiliation.

(2) An applicant with a permanent service-connected disability rating of 100 percent must present proof that the applicant is the subject of a certification of disability of 100 percent from the U.S. Department of Veterans Affairs.

(3) An applicant who has been discharged from military service must present certification of release or discharge from active duty, DD form 214, indicating that the applicant received an honorable discharge or a general discharge under honorable conditions.

b. An applicant who qualifies for the fee waiver under subparagraph 605.10(3)“a”(2) or 604.10(3)“a”(3) or both subparagraphs is required to submit proof of eligibility only once unless the proof is invalid or not accepted by the department.

c. An applicant who qualifies for the fee waiver under subparagraph 605.10(3)“a”(2) or 604.10(3)“a”(3) or both subparagraphs, who has presented proof of eligibility to the department during a previous license issuance transaction and who is otherwise eligible under subrule 605.25(7) or 605.25(8) to renew the applicant’s driver’s license electronically, will be waived from the applicable fees during the electronic renewal. An applicant who qualifies under subparagraph 605.10(3)“a”(1) will not receive the applicable fee waivers if the applicant chooses to renew the driver’s license electronically under subrule 605.25(7) or 605.25(8).

This rule is intended to implement Iowa Code section 321.191 as amended by 2022 Iowa Acts, Senate File 2383, section 25.